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106TH CONGRESS, 1st Session | SENATE | REPORT 106–208

NATIONAL PARK SYSTEM NEW AREA STUDY ACT OF 2000

NOVEMBER 2, 1999.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1349]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1349) to direct the Secretary of the Interior to conduct special resource studies to determine the national significance of specific sites as well as the suitability and feasibility of their inclusion as units of the National Park System, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

On page 2, strike line 15 and all that follows through page 3 line 7, and insert the following:

"SEC. 4. STUDIES.

"(a) IN GENERAL.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of each study under section 5 within three fiscal years following the date on which funds are first made available for each study."

"(b) CONTENTS.—In conducting the studies authorized by this Act, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in accordance with section 8 of Public Law 92–383, as amended by section 303 of the National Park System New Area Study Act (16 U.S.C. 1a–5).".

On page 3, strike line 8 and all that follows through line 24, and insert the following:

"SEC. 5. STUDY AREAS. The Secretary shall conduct studies of the following:

"(a) Bioluminescent Bay, Puerto Rico;
"(b) Civil Rights Sites, multi-state;
"(c) Gaviota Coast Seashore, California;
"(d) Kate Mullany House, New York;

"(e) Low Country Gullah Culture, multi-state;

"(f) Walden Pond and Woods, Massachusetts;

"(g) World War II Sites, Commonwealth of the Northern Marianas;

"(h) Loess Hills, Iowa;

"(i) Anderson Cottage, District of Columbia;

"(j) Fort Hunter Liggett, California;

"(k) upon the request the government of the Republic of Palau, World War II Sites, Palau; and

"(l) upon the request of the government of the Federated States of Micronesia, Nan Madol in the State of Ponape.".

PURPOSE OF THE MEASURE

The purpose of S. 1349, as ordered reported, is to authorize the Secretary of the Interior to conduct 12 special resource studies to determine the national significance of specific sites as well as the suitability and feasibility of their inclusion as units of the National Park System.

BACKGROUND AND NEED

Section 303 of Title III of Public Law 105–391 amended the National Park System General Authorities Act to require the Secretary of the Interior, on an annual basis, to submit to the Senate Committee on Energy and Natural Resources and the House of Representatives Committee on Resources, a list of areas recommended for study for potential inclusion in the National Park System. The first list was submitted on March 19, 1999 and this legislation reflects that submission. Preliminary costs estimates for each study range from $50,000 to $400,000.

LEGISLATIVE HISTORY

S. 1349 was introduced by Senator Thomas, at the request of the Administration, on July 12, 1999. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 1349 on July 29, 1999.

At its business meeting on October 20, 1999, the Committee on Energy and Natural Resources ordered S. 1349 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on October 20, 1999, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1349, if amended as described herein.

COMMITTEE AMENDMENTS

During the consideration of S. 1349, the Committee adopted several amendments. A study for Brandywine and Paoli Battlefields in Pennsylvania was deleted from the list of authorized studies while studies for Loess Hills in Iowa, Anderson Cottage in the District of Columbia and Fort Hunter Liggett in California were added. A study for World War II Sites in Palau is authorized if requested by the government of the Republic of Palau and a study for Nan

Madol in the State of Ponape is authorized if requested by the government of the Federated States of Micronesia.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title as the "National Park System New Area Study Act of 2000".

Section 2 lists the finding that the Secretary of the Interior has complied with Public Law 105–391 and submitted a list of areas recommended for study for potential inclusion in the National Park System; and the purpose is to direct the Secretary of the Interior to conduct special resource studies to determine the national significance of specific sites as well as the suitability and feasibility of their inclusion as units of the National Park System.

Section 3 defines "Secretary" to mean the Secretary of the Interior.

Section 4 requires the Secretary, within 3 fiscal years after funds are made available, to submit individual resource studies to the Senate Committee on Energy and Natural Resources and the House of Representatives Committee on Resources. Each study must use the criteria for the study of areas in accordance with section 8 of Public Law 91–383, as amended by section 303 of the 1998 National Park System Study Act.

Section 5 directs the Secretary to conduct the following studies: (1) Bioluminescent Bay, Puerto Rico; (2) Civil Rights Trail, multi-state; (3) Gaviota Coast Seashore, California; (4) Kate Mullany House, New York; (5) Low Hills Gullah Culture, multi-state; (6) Walden Pond and Woods, Massachusetts; (7) World War II Sites, Commonwealth of Northern Marianas; (8) Loess Hills, Iowa; (9) Anderson Cottage, District of Columbia; (10) Fort Hunter Liggett, California; (11) World War II Sites, Palau, upon the request of the government of the Republic of Palau; and (12) Nan Modol, State of Ponape, upon the request of the government of the Federated States of Micronesia.

Section 6 authorizes the appropriation of funds necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 29, 1999.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1349, the National Park System New Area Study Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1349—National Park System New Area Study Act of 2000: As ordered reported by the Senate Committee on Energy and Natural Resources on October 20, 1999

CBO estimates that implementing S. 1349 would have no effect on the federal budget. We estimate that the federal government would spend about $1 million over the next three years to carry out the studies required by the legislation, but appropriations for this purpose are already authorized under existing law. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 1349 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The National Park System New Area Study Act requires the National Park Service (NPS) to submit a list of potential park areas to the Congress each year. The Congress then chooses the areas to be studied by enacting legislation. That act authorizes the appropriation of $2 million annually for conducting studies of the approved areas.

S. 1349 lists 12 areas to be studied under the methodology set forth in current law. The NPS would have three years to determine the national significance of these areas and the feasibility of making them units of the National Park System. The bill also would authorize the appropriation of whatever amounts are necessary for the studies. Because appropriations for this purpose are already authorized, CBO estimates that carrying out the studies would have no additional impact on the federal budget.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of the rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1349. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of S. 1349, as ordered reported.

EXECUTIVE COMMUNICATIONS

The legislative report received by the Committee from the Department of the Interior setting forth Executive agency recommendation relating to the S. 1349, are set forth below:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC October 25, 1999.

Hon. FRANK MURKOWSKI,
Chairman, Committee on Energy and Natural Resources
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the Department's view on S. 1349, a bill directing the Secretary to conduct special resource studies to determine the national significance of specific sites as well as the suitability and feasibility of their inclusion as units of the National Park System.

The Department supports this legislation with amendments that are explained within this legislative report.

S. 1349 authorizes nine new area studies, also referred to as special resource studies. These studies were proposed by the Administration in a letter sent to the Committee earlier this year, pursuant to the requirement in the National Parks Omnibus Management Act of 1998 (Public Law 105–391). A tenth study on that list, Loess Hills, in the State of Iowa, was considered by this Committee separately earlier this year. Since the time the list was developed, the Administration decided to request two more candidates for studies: Anderson Cottage, the summer home of President Lincoln, in Washington, DC, and Fort Hunter Liggett, in California.

Each year, the National Park Service receives numerous requests and suggestions for potential new areas for the National Park System. We narrow the list to a relatively small number of proposals that, in our collective judgment, represent areas or themes that are not adequately represented in the National Park System and that offer the greatest potential for being determined to be nationally significant, feasible, and suitable according to specified criteria.

Proposing an area for study does not mean that we expect to conclude that the area should be managed by the NPS. In fact, most of our studies over the past 20 years have focused on alternatives to direct acquisition and management by the NPS. While we believe that all of the candidates on our list are worthy of our attention, we expect the study process to help identify ways to protect many of these sites through action by States, local governments, private entities, and other Federal agencies. We certainly recognize that new area must be evaluated in light of the competing demands for funds and staff in existing units of the National Park System.

The Department has determined that the areas listed in Section 5 of S. 1349, along with Loess Hills, Anderson Cottage, and Fort Hunter Liggett, are our priorities or studies to be authorized for FY 2000 and beyond.

Anderson Cottage, Washington, DC

Located at the United States Soldiers' and Airman's Home in Washington, DC, a National Historic Landmark, the cottage served as the summer White House for President Abraham Lincoln from 1862 to 1864. It was while at the cottage that Lincoln wrote a draft of the Emancipation Proclamation and made many of the important decision of his presidency. Presidents Hayes, Arthur, and Garfield continued summer use of the cottage during their respective

terms. The study evaluates methods of protection and interpretation of the house. It includes recommendations on management and visitor use, and address the potential for restoration of the house.

Bioluminescent Bay of Mosquito Lagoon, Puerto Rico

Located near Vieques Island off the east coast of Puerto Rico, this bay contains a concentration of billions of single-celled dinoflagellates that creates and illusion of light under water at night. Designated as a National Natural Landmark in 1980, this site is considered the best example of a bioluminescent bay in the Untied States. The survival of bioluminescent bays depends on the perpetuation of the delicate balance between the exchange of water with the sea and the input of organic matter from mangroves. The study evaluates methods of protection and interpretation of this extraordinary and fragile site.

Brandywine and Paoli Battlefields, Pennsylvania

Brandywine is where General George Washington's untrained and outnumbered troops fought an immense battle to defend the capital city, Philadelphia, against British invasion. Pauli where a brigade of Continental soldiers led by Anthony Wayne were overwhelmed in a brutal nighttime attack, and where 53 American dead were buried in a mass grave. Both sites, still largely rural, are threatened by development. The study examines the full range of resources and historic themes represented by the battlefields and their relationship to those of Valley Forge National Historical Park.

Civil Rights Sites, Multi-state

This study consists of two parts. One is a National Historic Landmark theme study to define the time frame and primary locations for the Civil Rights Movement. It includes a prioritized list of potential National Historic Landmarks or for recognition on the National Register of Historic Places. The other is an examination of options for connecting three sites that represent key points in the movement: the R.R. Moton School and Museum in Farmville, Virginia; the FW Woolworth Building in Greensboro; North Carolina; and Shaw University in Raleigh, North Carolina.

Fort Hunter Liggett, California

Land containing outstanding natural and cultural resources on this 165,000 Army Reserve base on the Monterey Peninsula has been offered to federal agencies as a result of a base-closing decision. The area contains relatively undisturbed and expansive biological communities, which include rare species of plants and animals. It also contains the fourth oldest and most historically evocative Spanish mission in California, among other historical resources. The study evaluates, in cooperation with the U.S. Army, U.S. Forest Service, and California State Parks, the feasibility of joint resource protection and increased visitor opportunities while the Fort continues its military reserves and civilian training functions.

Gaviota Coast Seashore, California

The area extending from Coal Oil Point at Santa Barbara to the northern boundary of Vandenberg Air Force Base is the largest remaining intact relatively undeveloped coastline in Southern California, but it is poised for rapid growth. This stretch of coastline includes a large expanse of mainland Mediterranean ecosystem and is exceptionally rich in plant and animal species. The area will be evaluated for its potential as a national seashore.

Kate Mullany House, New York

Recently designated as a National Historic Landmark as recommended in the Labor History Theme Study, this Troy residence was the home of an Irish immigrant who led the all-female Collar Laundry Union in the 1860's, and became one of America's leading female labor leaders. The study evaluates the suitability and feasibility of establishing the house as a National Historic Site.

Low Country Gullah Culture, Multi-state

The study would identify themes and sites that represent the Gullah people of coastal South Carolina and Georgia and their connection to the Black Seminoles of Florida, Oklahoma, Texas, and northern Mexico. The study includes the compilation of existing research on the Gullahs, a determination of national significance of properties related to Gullah history, and a report on strategies for commemorating the connection between the Gullahs and the Black Seminoles.

Nan Madol, State of Ponape, Federated States of Micronesia

Nan Madol, a National Historic Landmark, is an intricate 19-square-mile complex of waterways and stone buildings from the perished Pai Pan civilization. Constructed between 400 and 1700 A.D., the village was built from basalt columns that form high-walled rectangular enclosures. The study evaluates methods of protection and interpretation.

Walden Woods and Pond, Massachusetts

The study would evaluate lands and sites in Concord and Lincoln associated with Henry David Thoreau near Walden Pond, a National Historic Landmark, to assess their significance and relationship to the landmark. The study explores alternative methods of protecting and interpreting these lands, which were integral to the development of Thoreau's philosophy of ecology, conservation, and man's relationship to nature, which he explored in his book *Walden*.

World War II Sites, Republic of Palau and Commonwealth of the Northern Marianas

Peleliu Battlefield was the scene of one of the bloodiest battles of the Pacific War. The Island of Tinian includes the North Field airfield, where the Enola Gay and Boch's Car were loaded with the first atomic bombs to be used. Marpi Plateau, on Saipan Island, was where ground fighting of the Northern Marianas Campaign culminated. All three are National Historic Landmarks. The study

evaluates methods of protection and interpretation of the cultural and natural resources of these sites.

Cost estimates for these studies range from $50,000 to $400,000. We estimate that it would cost about $1.1 million to start all of the studies list above, along with Loess Hills, in FY 2000. Any additional studies approved by Congress, would, of course, raise the total cost estimate further.

Completion of on-going special resource studies previously approved by Congress is expected to require about $763,000 in FY 2000. Despite a limited budget, we hope that Congress authorizes the studies this year, so that we can begin the studies as soon as funds are available, and so that we have the flexibility to apply funds to projects where personnel are available to work on them.

There are three changes we recommend to S. 1349. First, we suggest amending Section 4(a) to provide three years for each study, rather than two years for all the studies, from the time funding is made available. Most of the proposed studies will take much less than three years, but if the legislation is to provide a standard length of time for the studies, we would like that time frame to be three years to assure adequate opportunities for public involvement and analysis. In addition, this change is consistent with the time frame called for in Section 303 of the National Parks Omnibus Management Act.

Second, we recommend amending Section 4(b) to reference the requirements for new area studies that are listed in Section 303 of the National Parks Omnibus Management Act. Section 4(b) of S. 1349 as drafted includes some, but not all, of the criteria for studies that are included in Section 303. Referencing existing law helps prevent any confusion about which requirements apply to studies authorized by this legislation.

Third, we recommend amending Section 5 so that it contains not only the names of the sites or themes for study, but also descriptions of the studies, similar to studies authorized by Congress in the past. These descriptions help to provide clear direction from Congress about the areas and resources to be studied.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DONALD J. BARRY,
Assistant Secretary for Fish and Wildlife and Parks.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 1349, as ordered reported.

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